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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

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DATE MAILED: 11/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/806,676

Applicant(s)  
Fel

Examiner  
Charles Cooley

Art Unit  
1723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-9 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☒ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## OFFICE ACTION

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

a. Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

b. Telephone inquiries regarding this application should be directed to the Technology Center 1700 receptionist at ☎(703) 308-0651 or to the Examiner at ☎(703) 308-0112. Official facsimile correspondence filed before a final office action should be transmitted to ☎(703) 872-9310. Official facsimile correspondence which responds to a final office action should be transmitted to ☎(703) 872-9311. All *post-allowance* papers (e.g., Information Disclosure Statements, Rule 312 Amendments, petitions, etc.) should be mailed to **Box Issue Fee** or submitted via facsimile to ☎(703) 308-5864.

c. Inquiries regarding application status, matching responses with applications, patent term questions, locating and retrieval of applications, incomplete office actions, requests for copies of office actions and/or references, requests to remail office actions, small/large entity status, or other administrative inquiries should be directed to the **Technology Center 1700 Customer Service Center** at ☎(703) 306-5665.

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***Election of Species***

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. The species of the imbalance compensators are as follows:  
  
**Species A: Figure 2;**  
  
**Species B: Figure 3;**  
  
**Species C: Figure 4;**  
  
**Species D: Figure 5;**  
  
**and Species E: Figures 6-7.**
4. The sub-species of the particular positioning of the imbalance compensators with respect to the centrifuge (as depicted in Figure 1) are as follows:  
  
**Sub-Species A: The imbalance compensator in position I;**  
  
**Sub-Species B: The imbalance compensator in position II;**  
  
**Sub-Species C: The imbalance compensator in position III;**  
  
**Sub-Species D: The imbalance compensator in position IV;**  
  
**Sub-Species E: The imbalance compensator in position V;**  
  
**and Sub-Species F: The imbalance compensator in position VI.**
5. Applicant is required, in reply to this action, to elect a single species and a single sub-species to which the claims shall be restricted if no generic claim is finally

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held to be allowable. The reply must also identify the claims readable on the elected species and sub-species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. The claims are deemed to correspond to the species listed above in the following manner:

Claim 1 is considered generic to all of the species and sub-species.

Claim 2 is considered generic to all of the species yet restricted to sub-species A where the imbalance compensator is in position I.

Claim 3 is considered drawn to a non-depicted embodiment since there appears to be no imbalance compensator shown on the *inner surface of the shaft*.

Claim 4 is considered generic to species A-D and generic to sub-species A-F.

Claim 5 is considered restricted to species C and generic to sub-species A-F.

Claim 6 is considered restricted to species B-D and generic to sub-species A-F.

Claim 7 is considered generic to all of the species and sub-species.

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Claim 8 is considered generic to species A-D and generic to sub-species A-F.

Claim 9 is considered restricted to species E and generic to sub-species A-F.

7. The following claim(s) are generic: Claims 1 and 7 as noted above.

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The only commonly recited technical feature between the species is the elastic ring which is not considered a special technical feature that defines a contribution which each of the claimed inventions makes over the prior art as required by PCT Rule 13.2 (as evidenced by the prior art cited in the search report and the prior art attached to this office action - see below). Therefore, there exists no common *special technical feature* between the species which are linked as to form a single general inventive concept as required by PCT Rule 13.1. Since the independent claim 1 does not avoid the prior art and it has been shown that an inventive link between the claims depending upon claim 1 which are drawn to different species and sub-species does not exist, a lack of unity *a posteriori* is present (see Administrative Instructions Under the PCT, Annex B, Unity of Invention, Part 1, sections (a) - (c)).

The only commonly recited technical feature between the sub-species is the broadly recited imbalance compensator which is not considered a special technical feature that defines a contribution which each of the claimed inventions makes over the

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prior art as required by PCT Rule 13.2 (as evidenced by the prior art cited in the search report and the prior art attached to this office action - see below). Therefore, there exists no common *special technical feature* between the species which are linked as to form a single general inventive concept as required by PCT Rule 13.1.

9. Accordingly, a proper response to this requirement will include the election of one of Species A-E (one embodiment of the imbalance compensator) and the election of one of Sub-Species A-F (one particular positioning of the imbalance compensator selected from positions I - VI seen in Figure 1 of the instant application).

10. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

11. The cited prior art to at least Bengtsson et al. provides further evidence that the commonly recited technical feature between the species is not a special technical feature that defines a contribution which each of the claimed inventions makes over the prior art as required by PCT Rule 13.2 as the patent to Bengtsson et al. anticipates at least independent claim 1 and dependent claims 2 and 7 by teaching the claimed imbalance compensator (see Figures 1, 2, and 4 and col. 4, lines 17-45).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ☎ (703) 308-0112.
13. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ☎ (703) 308-0651.

Dated: 7 November 2002



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**Charles Cooley**  
**Primary Examiner**  
**Art Unit 1723**